



DOCKET NO. CDS0223

JAC \$ #10

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Merrit N. Jacobs

RECEIVED

Serial No.: 09/658,356

Group No.: 1743

FEB 17 2004

Filed: 9/11/2000

Examiner: Jeffrey R. Snay

OFFICE OF PETITIONS

For:

ANALYZER WITH SAMPLE QUALITY MEASUREMENT,  
AND METHOD

## Certificate of Mailing or Transmission [37 CFR 1.8(s)]

I hereby certify that this correspondence is being:

 deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450. transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

February 11, 2004

(Date of Deposit)

Todd J. Burns

Name of applicant, assignee, or Registered Representative

(Signature)

February 11, 2004

(Date of Signature)

Mail Stop Petition  
Commissioner for Patents  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

Note: A grantable petition requires the following items:

1. Petition fee;
2. Reply and/or Issue fee;

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3. Terminal disclaimer or with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
4. Statement that the entire delay was unintentional.

1. Petition fee

- Small entity fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.  
 Other than small entity fee \$ 110 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office Action in the form of a Request for Continued Examination (identify type of reply):

- has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.  
 A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity disclaiming the required period of time is enclosed herewith (See PTO/SB/63).

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))]

- Charge the petition fee of \$ 110 to Account 10-0750/CDS 223/TJB and for any additional fee required. A duplicate of this petition is attached.
- A check in the sum of \$ \_\_\_\_\_ is attached.
- Charge Account 10-0750 for any additional fee required.

  
\_\_\_\_\_  
Todd J. Burns  
Reg. No.: Reg. No. 38,011  
Attorney for Applicant(s)

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One Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
Tel. No.: (732) 524-1496  
Date: February 11, 2004

Enclosures:  Fee Payment  
 Reply (RCE)  
 Terminal Disclaimer Form  
 Additional Sheets containing statements establishing unintentional delay  
 Other: \_\_\_\_\_

3. Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
4. Statement that the entire delay was unintentional.

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    - has been filed previously on \_\_\_\_\_
    - is enclosed herewith.
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